HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.23718 of 2006

Dated:15.11.2006

Between:

Duvvada Ranga Rao, and another.

…Petitioners

and

Land Reforms Tribunal & Revenue Divisional Officer and others.

…Respondents

HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.23718 of 2006

ORDER:

This Writ Petition is filed by the sons of one Rama Rao of Allukola Village of Palasa Mandal in Srikakulam District, assailing the order of the Land Reforms Tribunal & Revenue Divisional Officer, Tekkali, the first respondent herein (LRT), under Section 10(1) of the Andhra Pradesh Land Reforms (Ceiling on Agricultural Holdings) Act, 1973 (for short 'the Act'), in L.C.C.No.610/TKL/75, dated 23.06.2006. It is the grievance of the petitioners that the order passed by the LRT is illegal and contrary to Rule 7 of the Andhra Pradesh Land Reforms (Ceiling on Agricultural Holdings) Rules, 1974 (for short 'the Rules').

Late Rama Rao filed a declaration before the LRT. He was determined to be surplus holder of the land to an extent of Acs.9.08 cents. After the death of Rama Rao, pursuant to the public notice in Form No.VIII issued by the LRT, the petitioners filed surrender statement. They proposed to surrender land in Survey No.6 (Acs.3.05 cents), Survey No.7-4 (Acs.6.00) and Survey No.5 (Ac.0.93 cents) of Kodula Koligam Village of Meliaputti Mandal of Srikakulam District. It appears, the second respondent herein passed orders on 11.01.1993 under Section 10(5) of the Act rejecting the surrendered lands. The petitioners then filed an appeal, being L.R.A.No.10 of

1993, before the Land Reforms Appellate Tribunal, Srikakulam (LRAT). The same was allowed, and the matter was remanded to the LRT. After such remand, the LRT now passed orders on 23.06.2006.

Learned Counsel for the petitioners contends that the impugned order was not passed in compliance with the appellate order dated 08.12.1998 in L.R.A.No.10 of 1993. He would urge that before passing orders, it is incumbent on the LRT to publish the particulars of the land before surrender in Form No.VII and no such notice was published, and the notice as contemplated under subrule (3) of Rule 7 of the Rules was not issued. **Opposing** the Writ Petition, the learned Assistant Government Pleader for Revenue (General-A) submits that against the order impugned, which is passed under Sections 10(1) and 10(5) of the Act, an appeal lies to the LRAT under Section 20(3) of the Act, and therefore, Writ Petition is not maintainable.

There is force in the submission of the learned Assistant Government Pleader. It is well settled that when a statute creates rights and duties and provides for statutory remedies before the appropriate authorities, redressal has to be sought before the duly constituted authorities before seeking judicial review of such quasi-judicial orders. The petitioners have to avail the remedy before the LRAT, Srikakulam, by filing appeal against the impugned order. The Writ Petition is misconceived.

Giving liberty to the petitioners to prefer an appeal under Section 20(3) of the Act, this Writ Petition is dismissed. No costs.

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(V.V.S.RAO, J)

15.11.2006
vs